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Inside Washington

Pelton Trial Opens

Media Warned Against Disclosure of Secrets

In a major and unusual development, the directors of the Central Intelligence Agency and the National Security Agency have warned the news media against "speculation and reporting details" about U.S. communications intelligence activities being discussed at the trial of former NSA analyst Ronald Pelton.

Pelton is accused of providing the Soviets with detailed information about highly secret U.S. intelligence-gathering systems aimed at the Soviet Union.

The warning by CIA Director William Casey and NSA Director Lt. Gen. William Odom came one day after the *Washington Post* went beyond reporting what had transpired on the first day of the trial and disclosed the secret location of a U.S. listening device that Pelton was said to have compromised. The *Post* cited "informed sources" for its report and published a map of the area in question near the Soviet Union.

In opening the government's case against Pelton, prosecutor John Douglas and other witnesses described in general terms the nature of the NSA's activities and the intelligence systems that Pelton was said to have betrayed. But they did not provide such details as code names or locations.

On May 19, before the trial began, NBC correspondent James Polk reported the code name and location of one of the secret operations that Pelton is accused of compromising. The report prompted CIA Director Casey to issue a statement that Polk's story, "if true," had violated a section of U.S. law (18 United States Code 798) against disclosing information about the communications intelligence activities of the U.S. Casey said he was referring the matter to the Justice Department for possible prosecution.

Some reporters, such as Lesley Stahl of CBS and Sam Donaldson of ABC, have insisted that the government has no reason to threaten the media for publishing information that is said to have already been provided to the Soviets by Pelton. But Prosecutor Douglas, in going public with only general descriptions of NSA activities, said it's still necessary to keep the details secret because other governments would like to obtain the information.

Moreover, intelligence experts maintain that press disclosures can authenticate or provide added confirmation of secret informa-

tion, thus making it easier for governments such as the Soviet Union to proceed on the basis that it is accurate or legitimate.

As HUMAN EVENTS has reported, Director Casey has already accused the *Post* and other publications of having violated the law when they described in detail the nature of the Libyan communications intercepted by U.S. intelligence showing a Libyan link to the German disco bombing that killed an American serviceman. President Reagan had described in general terms the nature of the messages in his justification of the U.S. military strike against Libya.

At the time, rather than recommend prosecution over that violation, Casey warned the *Post* against publishing another such article on U.S. communications intelligence capabilities. The article, which was published, on May 21, was about the alleged disclosures of Pelton.

In fact, it was shortly after NBC reporter Polk went public with his detailed description of an operation Pelton was said to have compromised that the *Post* published its own story. The *Post* said that Pelton had compromised "a costly, long-running and highly successful U.S. operation that used sophisticated technology to intercept Soviet communications..." The *Post* said the operation involved the use of submarines but didn't provide any further details.

The *Post* explained that it had prepared "a more detailed version of this article" but had been warned by Casey, other top U.S. officials, and even President Reagan himself that its publication would harm national security. *Post* executive Editor Benjamin C. Bradlee said the original version was not published because, according to the article, the *Post* was "unable fully to judge the validity of the national security objections of senior officials, and because of *Post* lawyers' concerns...."

However, after Pelton's trial opened on May 27, the *Post* published its article about the trial which revealed the location of one of the operations Pelton was said to have betrayed. The location had not been disclosed by Prosecutor Douglas in opening his case against Pelton.

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However, Douglas and other witnesses did provide general descriptions of the operations, which were referred to as "projects." For instance, one was said to involve the collection of "command and control information" from the "highest level" of the Soviet government to the next highest level.

In their joint statement warning the news media against publishing "speculation" and "details" about the operations, Directors Casey and Odom acknowledged that the government's case against Pelton "will include release of certain classified information involving communications intelligence activities of the United States."

The statement added, "While not intending any comment on this ongoing criminal prosecution, it should be understood that the decision to make use of this information in trial has been made by appropriate government authorities after careful consideration of the demands of the trial and the potential harm that release of this selected data may cause the national security. The information thus selected has been carefully chosen to balance these competing interests."

"Those reporting on the trial should be cautioned against speculation and reporting details beyond the information actually released at trial. Such speculations and additional facts are not authorized disclosures and may cause substantial harm to the national security."